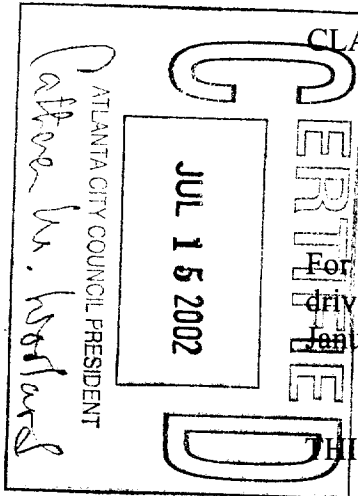


Entered - 03-20-02- sb  
CL 02L0230 - ALEXIS HOLMES

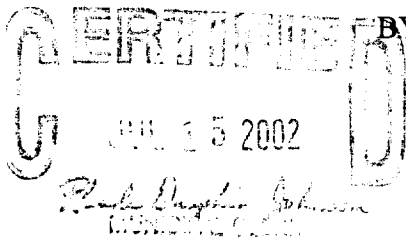
02- R -1208



CLAIM OF: **Gabriel A. Rincon-Mora, Ph.D**  
School of Electrical and Computer Engineering  
Georgia Institute of Technology  
777 Atlanta Drive  
Atlanta, Georgia 30332-0250

For vehicle damages alleged to have been sustained as a result of driving his vehicle over a pothole in the road on approximately January 21, 2002 at West Peachtree Street.

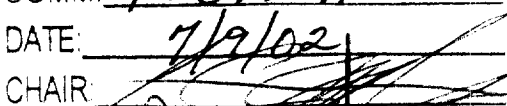

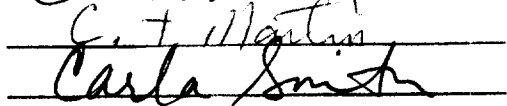
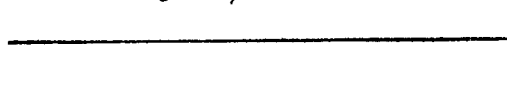
THIS ADVERSE REPORT IS APPROVED



BY:   
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

ADVERSED BY JUL 15 2002  
CITY COUNCIL

## ADVERSE REPORT

COMM: P. S. L. A.  
DATE: 7/9/02  
CHAIR:   
  
  
  
\_\_\_\_\_  
\_\_\_\_\_



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

July 25, 2002

Gabriel A. Rincon-Mora, Ph.D  
School of Electrical & computer Eng.  
Georgia Institute of Technology  
777 Atlanta Drive  
Atlanta, Georgia 30332-0250

02-R-1208

Dear Dr. Rincon-Mora:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 15, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0L0230

Date: 06/25/02

Claimant /Victim GABRIEL A. RINCON-MORA, Ph.D.

BY: (Atty) \_\_\_\_\_

Address: School of Electrical and Computer Engineering

Georgia Institute of Technology 777 Atlantic Drive Atlanta, Georgia 30332-0250

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 364.07 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 03/18/02 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence Approx. 01/21/02 Place: West Peachtree Street past 14<sup>th</sup> Street North

Department \_\_\_\_\_ Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that he sustained vehicular damages when he ran over a pothole in the roadway. An investigation determined that the road where the claimant incurred damages is a Georgia State Department of Transportation road, and it is not the responsibility of the City of Atlanta. The claim has been referred to the Georgia State Department of Transportation, and the claimant has been advised to pursue resolution of his damages with the Georgia State Department of Transportation.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant X Other X Written X Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams X Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

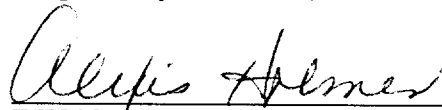
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

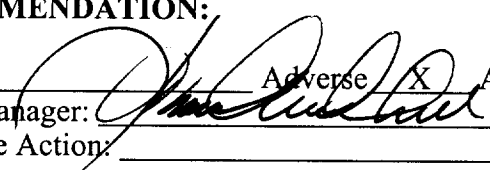
Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 06-27-02

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3893  
7/15/02  
5:12 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-11; EXCEPT 02-R-1278

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

1 <sup>st</sup> Consent I Vote:	15 Yeas; 0 Nays	(See RCS #3874)
Reconsidered	11 Yeas; 0 Nays	(See RCS #3892)

CONSENT I

		07/15/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1255	34. 02-R-1229	52. 02-R-1197
2. 02-O-1256	35. 02-R-1230	53. 02-R-1198
3. 02-O-1262	36. 02-R-1231	55. 02-R-1199
4. 02-O-0969	37. 02-R-1252	56. 02-R-1200
5. 02-O-1149	38. 02-R-1183	57. 02-R-1201
6. 02-O-1100	39. 02-R-1184	58. 02-R-1202
7. 02-O-1175	40. 02-R-1185	59. 02-R-1203
8. 02-O-1105	41. 02-R-1186	60. 02-R-1204
9. 02-O-1109	42. 02-R-1187	61. 02-R-1205
10. 02-O-1110	43. 02-R-1188	62. 02-R-1206
11. 02-O-1111	44. 02-R-1189	63. 02-R-1207
12. 02-O-1112	45. 02-R-1190	64. 02-R-1208
13. 02-O-1113	46. 02-R-1191	65. 02-R-1209
14. 02-O-1114	47. 02-R-1192	66. 02-R-1210
15. 02-O-1115	48. 02-R-1193	
16. 02-O-1116	49. 02-R-1194	
17. 02-O-1117	50. 02-R-1195	
18. 02-O-1144	51. 02-R-1196	
19. 02-R-0363		
20. 02-R-1225		
21. 02-R-1249		
22. 02-R-1250		
23. 02-R-1251		
24. 02-R-1263		
25. 02-R-1276		
26. 02-R-1277		
27. 02-R-1214		
28. 02-R-1215		
29. 02-R-1274		
30. 02-R-1211		
31. 02-R-1212		
32. 02-R-1227		
33. 02-R-1228		